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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,369	02/12/2007	Richard James See	5926P044	9730
8791 7590 07/30/2009 BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040				
EXAMINER				
TRIEU, THAI BA				
ART UNIT		PAPER NUMBER		
3748				
MAIL DATE		DELIVERY MODE		
07/30/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Continued 3: The amended claims 11 and 20 raise new issues **would** require further consideration such as:

1. Applicant has amended Claim 11 by broadening the claimed features, and then the scope of the claim is changed. Claim 11 is revised as "with at least one passage for fluid inlet". Once the engine just has fluid inlet and **no fluid outlet** (*emphasis added*), the engine will be an **inoperative device**.

2. Applicant has amended Claim 14 by broadening the claimed features, and then the scope of the claim is changed. Claim 14 depends upon claims 12 and 13. Claim 14 is revised as "*wherein each of the at least one valves is operative to vary the flow rate of a fluid into a working portion of the cavity*". Once the engine just needs valves for controlling the flow rate of the fluid in a working portion of the cavity and has **no valve to control the fluid to be discharged through the outlet** (*emphasis added*), the engine will be an **inoperative device**.

Continued 11: The request for reconsideration has been considered but does NOT place the application in condition for allowance because:

1. In response to the applicant's argument set forth on page 6, applicant states that the suggested changes do not improve the clarity of claims 1, 19, and 20 and introduce at least one grammatical error (i.e. "fluid in a working portion is undergo compression").

The examiner respectfully disagrees since:

In claim 1, lines 1-2, applicant claims that: " a rotary engine for use with compressible fluids, the engine comprising:...". The compressible fluids are to be considered as air, air-fuel mixture, steam or gas.

If air/steam/gas is used for this rotary engine, the rotary engine will become **a pump or compressor**. Then, this device does not work as an engine and air/steam/gas (fluid(s)) in a working portion is not undergo compression, combustion, and expansion as a closed volume, since the air/gas/steam without fuel does not perform **a combustion cycle/stroke**.

To perform a cycle of compression, combustion, and expansion as a closed volume, fluid has to be air-fuel mixture.

Additionally, in claim 1, there is no fuel to be injected into the engine, in order that the engine does perform the full cycle of compression, combustion (*emphasis added*), and expansion.

2. In claims 1 and 20, applicant recognizes that there is **at least one grammatical error** in the recitation of "wherein, in use, fluids in a working portion undergo compression, combustion and expansion as a closed volume, the closed volume being defined during the compression, combustion and expansion by an adjacent pair of second rotation elements."; however, the error has not been corrected (*emphasis added*).

For these reasons, applicant should reconsider the claim suggestions for claims 1 and 20.

Additionally, the amended claims 11, 12, and 14 makes the engine become inoperative one, because the engine just has an inlet having at least one valve to control the fluid to be delivered into the engine; however, there is not outlet or any valves to control the fluid (exhaust gas) to be discharged from the engine.

Accordingly, the application is NOT placed in condition for allowance.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THAI BA TRIEU whose telephone number is (571)272-4867. The examiner can normally be reached on Monday - Thursday (6:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion can be reached on (571) 272-4859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TTB  
July 29, 2009

/Thai-Ba Trieu/  
Primary Examiner  
Art Unit 3748